



Docket No.: 1761.1001

#14/Suppl
Declaration
5404
JF

**DECLARATION UNDER 37 C.F.R. 1.132
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Takayuki NORIMATSU

Serial No. 09/944,589

Group Art Unit: 3682

Confirmation No. 1652

Filed: September 4, 2001

Examiner: William C. JOYCE

For: WHEEL BEARING ASSEMBLY

Declaration Under Rule 132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED
MAR 22 2004
GROUP 3600

Dear Sir:

I, Takayuki NORIMATSU, declare as follows:

1. I have a degree in Production Systems Engineering from Toyohashi University of Engineering and have 6 years of experience in the field of Wheel Bearing and am aware of the state of the art prior to September 5, 2000.
2. I have reviewed and understand the disclosure of U.S. Application serial number 09/944,589, the cited references, the claims, and the arguments set forth in the U.S. patent Office Action dated June 20, 2003;
3. If provided with the information provided in U.S. patent application 09/944,589, particularly the potential materials of which the encoder is made
(The elastic material is made of a material containing rubber as a base material, for example, a heat resistant nitrile rubber, acrylic rubber or fluorine containing rubber, mixed with a powder of magnetic material. For the powder of magnetic material, ferrite may be employed.),

and the resulting properties of the encoder

(under a thermal endurance test condition in which the magnetized encoder is subjected to 1,000 thermal cycles each consisting of heating at 120°C for one hour followed by cooling at -40°C for one hour, the magnetized encoder retains the following initial magnetic characteristics when measured at a point 2.0 mm distant from a magnetic sensor: Single pitch deviation: $\pm 2\%$ or less and Magnetic flux density: ± 3 mT or higher.),

one of ordinary skill in the art would be able to achieve an encoder having a mixing ratio of approximately 85-90% wt% magnetic material, and 10-15% wt% elastic member) without undue experimentation for the following reason:

Appendix A, a handbook entitled "Knack of Selecting Magnetic Material", page 45, lines 7-13, describes that a bonded magnet is known to be

obtainable by mixing a magnetic material with a bond, such as a rubber, contained within the range 2 to 15 wt%. The bonded magnet is similar to the rubber magnet forming the magnetized encoder of the subject application.

4. In view of the foregoing, I do not agree with the rejection of the claims set forth specifically in the U.S. patent Office Action dated June 20, 2003, at page 2, numbered paragraph 2.

The Declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

By: Takayuki Norimatsu

Date Mar. 12, 2004

Takayuki NORIMATSU